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## PART III.

### Legislative Measures and Rules thereunder.

NOTIFICATION.

*No.* 3738-71-5—*Ml.*, *dated* 3—4*th November* 1904.

The Government of His Highness the Maharaja are pleased, under Section 38 of the City of Mysore Improvements Regulation, III of 1903, to prescribe the following Rules for the grant of loans to persons, not being Government servants, to enable them to build houses and make other improvements in the Mysore City under Section 27 (3) of the said Regulation :—

1. Applications for loans may be made to the Chairman of the Board of Trustees for the Improvements of the City of Mysore, and shall contain the particulars specified in Form A (appended) and be signed by the applicant.

2. They shall be presented in person and shall contain the following information in the column of remarks in Form A—

I. Whether the applicant proposes to supplement the loan by any private capital, and if so, to what extent.

II. The estimated total cost of the building proposed to be constructed or of the improvements, and the probable period that will be occupied in its construction. When the foregoing particulars are not entered in the application, the Chairman shall ascertain them so far as may be possible from the oral statement of the applicant or otherwise, record them on the application or on a paper to be attached thereto, and have them read over to the applicant and acknowledged by him to be correct.

3. The loans shall be granted :—

(a) For building new houses in the Extensions of the City or on sites re-allotted in the City or elsewhere in the City with the approval of the Board.

(b) For the sanitary improvements of the existing houses both in the Extensions and in the City, such as :—

(i) Conversion of mud floors into floors with mortar concrete or with flooring tiles.

(ii) Conversion of bamboo pot-tiled or thatched roof into improved tiled or terraced roof.

(iii) Conversion of mud walls into burnt brick walls.

(iv) Constructing proper drains and making sewage connections.

(c) For erecting separate cattle sheds, etc.

4. Collateral security shall be offered by the applicants for twice the amount of the loan applied for, and in the absence of the same, the Chairman may take the personal security of two respectable persons.

5. The Chairman shall, after seeing that the application contains all the necessary particulars, satisfy himself by making such enquiries as he deems necessary as to the sufficiency of the collateral security or personal security as the case may be.

6. On completion of the enquiry, the Chairman shall dispose of the application on its merits, and direct the grant of the loan either in full or in part, as is deemed desirable.

7. The Chairman will sanction loans not exceeding Rs. 200 in each case on his own authority, and all loans exceeding that amount, with the sanction of the Board.

8. If, on a review of the local enquiry, and such further investigation, as may be deemed necessary, the Chairman is not satisfied about the sufficiency of the collateral security, or the solvency of the sureties, it shall be lawful for him either to reject the application for the loan or in case the loan is required for building a new house, postpone disposal of the application, till substantial progress is made with the construction of the building, and then refer the application for the special orders of the Board.

9. When a reference is made to the Board under the provisions of clause 8 above, by the Chairman, the Board may dispense with the requirements of the rules regarding collateral and personal security, and grant the loan either in whole or part as may seem proper to the Board.

10. Interest shall be charged on loans at the rate of 3% per annum. If the Chairman considers that in special cases, the loan should be granted at a lower rate of interest or without interest, he should place such cases before the Board for decision.

11. When an order granting the loan is passed, it shall be endorsed by the applicant to the effect that he has understood and agreed to all conditions specified in the loan order (Form B) and it shall be signed by him in the presence of two witnesses who shall also attest the endorsement. The person applying for a loan shall also, as soon after the loan is sanctioned as possible, and before obtaining it, execute a bond in Form C.

12. If any property other than the property of the applicant is pledged or mortgaged as collateral security for the repayment of the loan, the order shall be similarly endorsed, signed and attested by the sureties and witnesses.

13. The applicant shall sign an agreement binding himself to conform to the provisions contained in the "Building Bye Laws."

14. The order granting the loan shall be in Form B appended to these rules. It shall be retained in the office of the Chairman and a copy of it shall be given to the applicant.

15. The security bond to be executed by a surety, if any, shall be in Form D appended.

16. The Chairman shall, at his discretion, direct the loan to be paid in instalments according to the progress of the work shown. In no case, prior to the final payment, shall the instalment or aggregate of instalments exceed 75% of the value of the materials collected or work executed.

17. When the loan is paid in instalments, interest at 3% per annum shall be charged on the loan, only from the date of the actual payment of the last instalment, none being charged on previous instalments.

18. The loan granted with interest at 3 per cent per annum shall be repaid by the applicant by means of quarterly instalments, the first commencing three months after completion of the building. The number of such instalments and the period covered by the same shall be determined by the Chairman after due consideration of all the circumstances of the case, but the period of repayment shall not exceed the maximum limit of 10 years. If in any case a longer period for repayment is desirable, the special sanction of the Board shall be obtained on a full report of the circumstances of the case.

Provided that, if default is made in the payment of any instalment, interest may be charged thereon at 5 per cent per annum.

19. The applicant may discharge the loan with interest due thereon at any time before the date on which it is repayable, and in such cases the Board shall remit one-half of the interest paid by the applicant in respect of the loan from the date of its grant to the date on which it may be discharged.

20. Before the repayment of the loan in full, all transfers of any interest in the building for the construction or improvement of which the loan has been obtained, by gift, sale, mortgage or lease exceeding five years, shall be void, unless they are made with the consent of the Board, whether such transfer is made by the applicant or by his heirs in Law, after his death.

21. If the house or the improvements are not completed, as agreed to, within the prescribed period from the date of the grant of the license to build the house or effect the improvements, the site, the unfinished structure, and the materials at site, shall be liable to be appropriated towards the complete or partial discharge of the loan made.

22. In cases in which the unfinished structure is appropriated as aforesaid, it shall be lawful for the Chairman to complete the structure and sell the same by public auction, any difference between the amount due to Government and the sale proceeds being recovered from the applicant in accordance with the provisions contained in the following para.

23. All sums payable under these rules shall be recoverable as provided for in Section (45) of the Mysore City Improvements Regulation (III of 1903).

By order,
B. K. VENKATAVARADAIYENGAR,
*Secy. to Govt., Gen. & Rev. Dept.*

FORM A.

Application for a loan under the Mysore City Improvement Regulation, (No. III of 1903), Section 27 (3).

| | |
|---|---|
| 1. Name, caste, parentage, profession and residence, etc., of the applicant. | |
| 2. Amount of the loan required. | |
| 3. Nature, description and estimated cost of the proposed improvements. | |
| 4. The amount and number of the instalments by which the loan, principal and interest will be paid. | |
| 5. The dates on which such instalments will be paid. | Description of property offered as collateral security. |
| 6. Mohalla in which the property is situated. | |
| 7. Description of property. | |
| 8. Municipal number. | |
| 9. Details as to area, etc. | |
| 10. Municipal taxes now paid. | |
| 11. Estimated market value of property as at present. | |
| 12. Persons having an interest in the property, their names and description. | |
| 13. The rights of the applicant or the surety as the case may be. | |
| 14. Rights of others, if any. | |
| 15. Whether there are any previous encumbrances or mortgage. | |
| 16. Remarks. | |

FORM B.

Order granting a loan issued under the Mysore City Improvements Regulation (No. III of 1903) Section 27 (3).

1. The sum of Rs.....is hereby granted to A. B., son of.....(with the consent of C. D., the record of which is hereto annexed) as a loan under the Mysore City Improvements Regulation, for the purpose of.....in the Chairman's office by Cheque No....., dated.....subject to the following conditions, *viz.*:—

(i) that the amount of this loan, with interest at 3 per cent per annum, and costs, if any, incurred in the making thereof shall be repayable at the place and on the dates and by the amount specified below :—

| Place. | Date. | Principal. | Interest. | Cost (if any.) | Total. |
|---|---|---|---|---|---|
| | | | | | |

(ii) that this loan shall be applied solely to the purpose specified above, and that, if it shall be proved to the satisfaction of the Chairman that any part of the loan has been misapplied, or if default is made in the payment of the instalments of the principal or of interest, or of costs, if any, the whole amount of the loan shall, with such interest as may have become due thereon, as well as costs if any, be deemed to at once become due.

(iii) (here enter any dates fixed for the commencement, progress and completion of the work). If default is made in commencement, progress or completion of the work as above, the loan shall be held to have been misapplied.

(iv) that for the repayment of the loan, with interest and cost if any, due on the same, the immovable property specified in the margin, is in addition to the site, structure, etc., for which the loan is granted, hypothecated as collateral security to the Mysore City Improvement Trust Board.

Form of mortgage bond in cases of advances made under Section 27(3) of the City of Mysore Improvement Regulation, 1903.

KNOW ALL MEN by these presents that whereas in pursuance of an application dated .....made by.....for a loan of Rupees..... ..... for ....., the Chairman of the Board of Trustees for the Improvement of the City of Mysore has, by an order dated....., sanctioned the grant to the said.....of a loan of Rupees.....subject to certain conditions as therein set forth, whereas the said.....has by an endorsement signed by him under the said order agreed to all those conditions, and whereas the said.....has in further confirmation of such agreement been required to execute and register a bond in addition to the security (if any) tendered by him the said.....and accepted by the Chairman aforementioned:

THIS INDENTURE is made on this the.....day of..... ..... between the said.....of the one part, and the Dewan to His Highness the Maharaja of Mysore of the other part:

WITNESSETH that under the orders of the Chairman of the Board of Trustees for the Improvement of the City of Mysore, acting under the provisions of the City of Mysore Improvements Regulation, 1903, and in consideration of the sum of Rupees ..... paid to the said.....by the said Chairman (the receipt whereof the said..... .....doth hereby acknowledge) for the purpose of enabling the said..... ..... to defray the expenses of .....he, the said ..... ..... doth hereby for himself, his heirs, executors and administrators, covenant with the said Dewan of Mysore and his successors that he the said ..... his heirs, executors or administrators, will pay unto the said Dewan of Mysore, his successors, or assigns, the said sum of Rupees .....with interest at..... in manner hereinafter mentioned, that is to say..... ..... .....

AND THIS INDENTURE ALSO WITNESSETH that for the consideration aforesaid, he the said....., doth hereby convey unto the said Dewan of Mysore, his successors and assigns, all that piece of land situate in the District of..... registration district of ..... and sub-registration district of..... .....containing..... more or less bounded on the north

by.....on the south by.....on the east by.....
and on the west by.....together with the dwelling house and the out offices, stables, cook-rooms and out-buildings of all kinds used or intended to be used with the said dwelling house lately *erected and together with all rights, easements and appurtenances to the same or any of them belonging: to hold the said premises unto the said Dewan of Mysore, his successors and assigns absolutely as his and their own property.

* Where the house, offices, etc., have not yet been erected or are in course of being built, for "lately erected" substitute "hereinafter to be erected" or "now being erected" as the case may be.

Provided always that if and as soon as the said sum of Rupees.....with interest, shall have been paid in full in manner mentioned above or by any other means whatsoever, then the said Dewan of Mysore, his successors and assigns will at any time thereafter upon the request and at the cost of the said his executors, administrators and assigns re-convey the said premises into the said..... his executors, administrators and assigns or as he or they shall direct: And it is hereby declared that if the said .....shall die before the said sum of Rupees.....with interest shall have been fully paid off then it shall be lawful for the said Dewan of Mysore, his successors or assigns to sell the said premises or any part thereof either together or in parcels and either by public auction or by private contract with power to buy in or rescind any contract for sale and to re-sell without being responsible for any loss which may be occasioned thereby: And to do and execute all such acts and assurances for effectuating any such sale as the said Dewan of Mysore, his successors or assigns shall think fit: And it is hereby declared that the said Dewan of Mysore, his successors and assigns shall hold the moneys to arise from any sale in pursuance of the aforesaid power UPON TRUST in the first place thereout to pay all the expenses incurred on such sale and in the next place to apply such moneys in or towards satisfaction of the moneys for the time being owing on the security of these presents and then to pay the surplus (if any) to the said ..... his executors, administrators or assigns: And it is hereby declared that the said sale shall be without prejudice to the right of the said Dewan of Mysore, his successors or assigns to proceed against the collateral security (if any) offered by the said ..... and accepted by the said Dewan of Mysore and executed by ..... ..... : And it is hereby declared that the said application by the said ..... dated....., the said order by the said Chairman, dated....., and the said endorsement by the said.....dated, ..... shall be deemed and taken to be part of these presents.

In witness whereof the said ..... and ..... Chairman of the Board of Trustees for the Improvement of the City of Mysore on behalf of the said Dewan of Mysore have hereunto set their hands the day and the year above written.

Signed by the said.....and.....in the presence of .....

Name of witness.....

Address and occupation of witness.....

Name of second witness.....

Address and occupation of witness.....

## FORM D.

Security Bond to be used when immovable property belonging to others than the applicant, is mortgaged as collateral security.

Whereas.....has received from the Chairman, City Improvement Trust Board, an order under the Mysore City Improvement Regulation (No. III of 1903) Section 27 (3), in virtue of which he is entitled to receive the aggregate sum of Rs. ....., as a loan from the Government for the purpose of ..... and whereas collateral security for the due application of the loan, and for the punctual repayment of the same according to the terms of the order is demanded from the said.....I, do mortgage to the Mysore City Improvement Trust Board, the immovable property mentioned in the schedule below as collateral security, and agree that if the said ..... fails to comply with the terms on which the loan has been granted either by misapplying the same, or by failing to repay any instalment of the said loan, or any interest chargeable thereon, or costs, if any, incurred in the making thereof on the dates on which it may become due, it shall be lawful to the Chairman to recover from the said property such sum as may be necessary to make good the amount which, in consequence of the said.....'s default, may be due from him.

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*No. Fl.* 2818—*S. R.*, 30-04-3, *dated* 15—18*th November* 1904.

Under Section 6 of the Mysore Excise Regulation, V of 1901, as amended by Regulation V of 1904, the Government of His Highness the Maharaja of Mysore are pleased to make the following orders in regard to the import of liquor or intoxicating drugs into Mysore :—

1. Save as provided in Government Notification No. 11791—Ex. F. 301, dated the 17th January 1902, the Deputy Commissioner shall not entertain any application for the import into the Mysore State of any kind of country liquor or intoxicating drugs, except superior country beer manufactured in the Nilgiris or in the Civil and Military Station of Bangalore and intended for *bona fide* domestic consumption.

2. On receipt of an application for the import into the Mysore State of superior country beer manufactured in the Nilgiris or in the Civil and Military Station of Bangalore for the applicant's *bona fide* domestic consumption, the Deputy Commissioner will, after satisfying himself that the application is genuine and that the quantity proposed to be imported is reasonable, levy a duty of 2 annas per gallon or at such other rate as may be prescribed by Government from time to time and issue a permit in the prescribed form. Every permit issued under this notification will be entered in a register to be maintained in the form to be prescribed by the Excise Commissioner in Mysore and an extract of the register will be submitted to the Excise Commissioner once a month.

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*No. Fl.* 2819—*S. R.* 30-04-3, *dated* 15—18*th November* 1904.

Under Section 7 of the Mysore Excise Regulation, V of 1901, as amended by Regulation V of 1904, the Government of His Highness the Maharaja of Mysore are pleased to make the following orders in regard to the export of liquor or intoxicating drugs to places outside the Mysore State :—

In addition to the export of toddy as provided for in Government Notification No. 11791—Ex. F. 3-01, dated the 17th January 1902, the Deputy Commissioner may, at his discretion, grant permits for the export of intoxicating drugs and country liquors manufactured in the Mysore State, on which the duty, if any leviable under the rules issued by the Mysore Government, has been paid, provided the applicant for the permit produces a letter or certificate showing that the Excise authorities at the place of import have no objection to the issue of the permit.

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*No. Fl.* 3078—*S. R.* 30-04-4, *dated the* 18*th November* 1904.

Under Section 29 of the Excise Regulation, V of 1901, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following form of permit for the import of liquor or intoxicating drug into the Mysore State :—

"Under Section 6 of the Mysore Excise Regulation, V of 1901, ..... ..... is permitted into ..... ....., ..... gallons of ..... ....., from ..... ....., for $\frac{\text{his}}{\text{her}}$ *bona fide* domestic consumption.

This permit is current till ..... 190 , and the Deputy Commissioner may revoke it at any time without assigning reason for doing so.

The consignment is open to inspection by officers of the Excise, Police and Revenue Departments."

By Order,

B. K. VENKATAVARADAIYENGAR,
*Secy. to Govt., Gen. & Rev. Depts.*